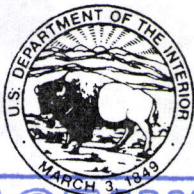


FILE 8M/027/007



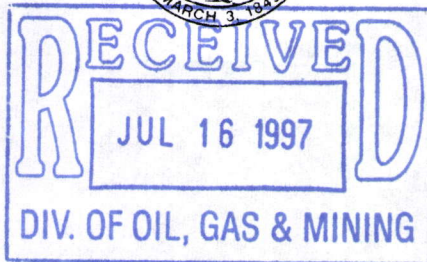
# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
HOUSE RANGE/WARM SPRINGS RESOURCE AREA

35 East 500 North  
Fillmore, UT 84631



IN REPLY REFER TO:  
3809  
(U-054)  
UTU-072862



July 14, 1997

CERTIFIED MAIL #P 556 237 716  
RETURN RECEIPT REQUESTED

## DECISION

ALLAN R CERNY	:	43 CFR §3809
WESTERN STATES MINERALS CORP.	:	SURFACE MANAGEMENT
4975 VAN GORDON ST.	:	NOTICE OF NONCOMPLIANCE
WHEATRIDGE CO 80033	:	

### Notice of Failure to file a Plan of Operations

Your operations are in violation of and in noncompliance with the following Federal regulations:

1. 43 CFR §3809.1-4 (a) requires that an operator file a Plan of Operations before commencing operations which exceed 5 acres.
2. 43 CFR §3809.2-2(b) requires that all operators comply with applicable Federal and State water quality standards.
3. 43 CFR §3809.2.2 requires that operations be conducted to prevent unnecessary or undue degradation of the Federal lands.
4. 43 CFR §3809.1-1 requires that all operations be reclaimed.
5. 43 CFR §3809.1-5(c)(2) requires that a plan include a map showing the size of each area where surface disturbance will occur.
6. 43 CFR §3809.1-5(c)(4) requires that a plan include information sufficient to describe or identify the type of operations proposed.
7. 43 CFR §3809.1-5(c)(5) requires that a plan include measures to be taken to prevent unnecessary or undue



degradation and measures taken to reclaim disturbed areas resulting from the proposed operations.

8. 43 CFR §3809.1-5(c)(6) requires that a plan include measures to be taken during extended periods of non-operation to maintain the area in a safe and clean manner and to reclaim the land to avoid erosion and other adverse impacts, or if not included in the plan, that such information be submitted whenever the operator anticipates a period of non-operation.

To bring your operations under compliance with Federal regulations, you must, within thirty (30) days of receipt of this Notice of Noncompliance:

1. Submit a Plan of Operations (Plan) for those activities that were never approved by the BLM.
2. Submit a detailed reclamation plan for all of your disturbances, both Notice and Plan level, for which you have an outstanding reclamation liability.
3. Submit a bond for 100% of the estimated cost of reclamation or \$2,000 per acre or any fraction thereof, whichever is greater. The bond amount must be certified by a third party, professional engineer, licensed in the State of Utah.
3. Commence reclamation of all areas with an outstanding reclamation liability.

Should you fail to comply with the requirements that have been detailed above within the required time frame, you will be considered to have established a Record of Noncompliance and during the duration of a Record of Noncompliance, a Plan will be required for all mining related activities on the Public Lands, including those of 5 acres or less, that presently require only a notice and a minimum \$1,000/acre bond. Those activities requiring a Plan will require a minimum \$2,000/acre bond. During the duration of a Record of Noncompliance, the bond must be held solely by the BLM, and double-bonding with the State may be required.

In accordance with 43 CFR §3809.4, you have the right of appeal to the Utah State Director. Direct correspondence to:

Utah State Director  
Bureau of Land Management  
P.O. Box 45155  
Salt Lake City, Utah 84145-0155.



If you exercise this right, your appeal must be accompanied by:

1. The name and address of the appellant,
2. The name and serial numbers of any involved mining claims, and
3. A statement of reasons for the appeal and any arguments you wish to present, which would justify reversal or modification to this decision.

Your appeal must be filed in writing at this office within thirty (30) days after you receive this decision. This decision will remain in effect during the appeal unless a written request for a stay is granted.

Sincerely,

*Rex Rowley*  
for Rex Rowley  
Area Manager  
**ACTING**

cc: U-911  
U-921  
U-050  
U-024  
D. Wayne Hedberg, UDOGM